

MONTANA LEGISLATIVE HISTORY

Chapter 324 19 99

Bill H _____ S 446

Original bill & history ✓c

H. Committee on Business + Labor

S. Committee on Business + Industry

Hearing Date(s) 3/19 ✓c

Hearing Date(s) 2/10 ✓c

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Date Out _____ c

Did this bill originate in an interim committee? ____ Yes ____ No

Committee _____

Report _____

LEGISLATIVE HISTORIES

The 1997 Montana Legislature dramatically changed the nature of legislative minutes. This altered format continues with the 1999 legislative minutes. The minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are fuller in content.

Exhibits, which include written statements, attendant information, roll call votes, roll call attendance, a list of those from the public who were present, and specific action taken on legislative bills, will be available only through the Historical Society Archives, 444-4774, and from a CD-ROM produced by the Legislative Services Division, 444-3064.

Just as in the 1997 legislative session, the 1999 House and Senate committee hearings were recorded. For information on accessing the tapes, or purchasing them, contact the Archives, 444-4774.

If you have concerns over the format of these legislative minutes, it is suggested that you contact your state legislators.

3/13	Fiscal Note Printed		
3/25	Tabled in Committee		
4/20	Taken from Committee; Placed on 2nd Reading	59	37
4/21	2nd Reading Concurred as Amended	53	45
4/21	3rd Reading Concurred	56	42
	Returned to Senate with Amendments		
4/21	2nd Reading House Amendments Concurred	44	1
4/21	3rd Reading Passed as Amended by House	42	3
4/21	Sent to Enrolling		
4/26	Returned from Enrolling		
4/26	Signed by President		
4/29	Signed by Speaker		
4/30	Transmitted to Governor		
5/10	Vetoed by Governor		
6/14	Veto Override Attempt by Senate via Mail Poll Failed	15	34
6/14	Veto Override Attempt by House via Mail Poll Failed	46	48

SB 446 Introduced by M. Taylor, et al.

LC0844 Drafter: Heiman

Change the Provisions Relating to Restaurant Beer and Wine Licenses:...

12/02	Fiscal Note Needed		
2/11	Introduced and 1st Reading		
2/11	Referred to Business and Industry		
2/11	Fiscal Note Requested		
2/15	Fiscal Note Received		
2/16	Fiscal Note Signed		
2/17	Fiscal Note Printed		
2/18	Hearing		
2/19	Committee Executive Action--Bill Passed as Amended	7	0
2/20	Committee Report--Bill Passed as Amended		
2/22	2nd Reading Passed	48	1
2/23	3rd Reading Passed	48	1
	Transmitted to House		
3/02	Referred to Business and Labor		
3/19	Hearing		
3/25	Committee Executive Action--Bill Concurred	13	5
3/25	Committee Report--Bill Concurred		
3/29	2nd Reading Concurred	63	37
3/30	3rd Reading Concurred	62	38
	Returned to Senate		
3/30	Sent to Enrolling		
3/31	Returned from Enrolling		
3/31	Signed by President		
4/07	Signed by Speaker		
4/07	Transmitted to Governor		
4/16	Signed by Governor		
4/16	Chapter Number Assigned		
	Chapter Number 324		
	Effective Date: 4/16/1999 - All Sections		

SB 447 Introduced by Franklin, et al.

LC1707 Drafter: Potesch

Revise the Deposit of Fees Collected by the Commissioner of Insurance:...



AN ACT CHANGING THE PROVISIONS RELATING TO RESTAURANT BEER AND WINE LICENSES; REDUCING THE PERCENTAGE OF REVENUE THAT MUST BE DERIVED FROM FOOD SALES TO 65 PERCENT FROM 75 PERCENT; INCREASING THE NUMBER OF LICENSES AVAILABLE IN THE SMALLEST QUOTA AREA; AUTHORIZING A ONE-TIME QUOTA ADJUSTMENT; GIVING A PREFERENCE TO UNSUCCESSFUL LOTTERY APPLICANTS; ESTABLISHING THAT THE APPLICATION FEE FOR A LICENSE IS 20 PERCENT OF THE INITIAL LICENSE FEE; REQUIRING THE DEPARTMENT TO PAY INTEREST ON AN APPLICATION FEE IF A LICENSE IS NOT GRANTED OR REJECTED WITHIN 4 MONTHS OF APPLICATION FOR A LICENSE; AMENDING SECTIONS 16-4-111 AND 16-4-420, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 16-4-111, MCA, is amended to read:

"16-4-111. Catering endorsement for beer and wine licensees. (1) (a) A person who is engaged primarily in the business of providing meals with table service and who is licensed to sell beer at retail or beer and wine at retail for on-premises consumption may, upon the approval of the liquor division, be granted a catering endorsement to the license to allow the catering and sale of beer or beer and wine to persons attending a special event upon premises not otherwise licensed for the sale of beer or beer and wine for on-premises consumption. The beer or wine must be consumed on the premises where the event is held.

(b) A person who is licensed pursuant to 16-4-420 to sell beer at retail or beer and wine at retail for on-premises consumption may, upon the approval of the liquor division, be granted a catering endorsement to the license to allow the catering and sale of beer and wine to persons attending a special event upon premises not otherwise licensed for the sale of beer or beer and wine, along with food equal in cost to ~~75%~~ 65% of the total gross revenue from the catering contract, for on-premises consumption. The beer or wine must be consumed on the premises where the event is held.

(2) A written application for a catering endorsement and an annual fee of \$200 must be submitted to the department for its approval.

(3) A licensee who holds a catering endorsement may not cater an event in which the licensee is the sponsor. The catered event must be within 100 miles of the licensee's regular place of business.

(4) The licensee shall notify the local law enforcement agency that has jurisdiction over the premises that the catered event is to be held. A fee of \$35 must accompany the notice.

(5) The sale of beer or beer and wine pursuant to a catering endorsement is subject to the provisions of 16-6-103.

(6) The sale of beer or beer and wine pursuant to a catering endorsement is subject to the provisions of 16-3-306, unless entities named in 16-3-306 give their written approval for the on-premises sale of beer or beer and wine on premises where the event is to be held.

(7) A catering endorsement issued for the purpose of selling and serving beer or beer and wine at a special event conducted on the premises of a county fairground or public sports arena authorizes the licensee to sell and serve beer or beer and wine in the grandstand and bleacher area of the premises, as well as from a booth, stand, or other fixed place on the premises."

Section 2. Section 16-4-420, MCA, is amended to read:

"16-4-420. Restaurant beer and wine license. (1) The department shall issue a restaurant beer and wine license to an applicant whenever the department determines that the applicant, in addition to satisfying the requirements of this section, meets the following qualifications and conditions:

(a) in the case of an individual applicant:

(i) the applicant's past record and present status as a purveyor of alcoholic beverages and as a business person and citizen demonstrate that the applicant is likely to operate the establishment in compliance with all applicable laws of the state and local governments; and

(ii) the applicant is not under 19 years of age;

(b) in the case of a corporate applicant:

(i) in the case of a corporation listed on a national stock exchange, the corporate officers and the board of directors ~~must~~ shall meet the requirements of subsection (1)(a);

(ii) in the case of a corporation not listed on a national stock exchange, each owner of 10% or

more of the outstanding stock ~~must~~ shall meet the requirements for an individual listed in subsection (1)(a); and

(iii) the corporation is authorized to do business in Montana;

(c) in the case of any other business entity, including but not limited to partnerships, including limited liability partnerships, limited partnerships, and limited liability companies, but not including any form of a trust:

(i) if the applicant consists of more than one individual, all individuals ~~must~~ shall meet the requirements of subsection (1)(a); and

(ii) if the applicant consists of more than one corporation, all corporations listed on a national stock exchange ~~must~~ shall meet the requirements of subsection (1)(b)(i) and corporations not listed on a national stock exchange ~~must~~ shall meet the requirements of subsection (1)(b)(ii);

(d) the applicant operates a restaurant at the location where the restaurant beer and wine license will be used or satisfies the department:

(i) that the applicant intends to open a restaurant that will meet the requirements of subsection (6) and intends to operate the restaurant so that at least ~~75%~~ 65% of the restaurant's gross income during its first year of operation is expected to be the result of the sale of food;

(ii) that the restaurant beer and wine license will be used in conjunction with that restaurant, that the restaurant will serve beer and wine only to a patron who orders food, and that beer and wine purchases will be stated on the food bill; and

(iii) that the restaurant will serve beer and wine from a service bar, as service bar is defined by the department by rule;

(e) the applicant understands and acknowledges in writing on the application that this license prohibits the applicant from being licensed to conduct any gaming or gambling activity or operate any gambling machines and that if any gaming or gambling activity or machine exists at the location where the restaurant beer and wine license will be used, the activity must be discontinued or the machines must be removed before the restaurant beer and wine license takes effect; and

(f) the applicant states the planned seating capacity of the restaurant, if it is to be built, or the current seating capacity if the restaurant is operating.

(2) (a) A restaurant that has an existing retail license for the sale of beer, wine, or any other

alcoholic beverage may not be considered for a restaurant beer and wine license at the same location.

(b) A restaurant that sells its existing retail license may not apply for a license under this section for a period of 1 year from the date that license is transferred to a new purchaser.

(3) (a) A completed application for a license under this section and the appropriate application fee, as provided in subsection (11), must be submitted to the department. The department shall request that the department of justice make an investigation of all the items relating to the application as described in subsections (3)(a)(i) through (3)(a)(iv). Based on the results of the investigation or in exercising its sound discretion, the department shall determine whether:

(i) the applicant is qualified to receive a license;

(ii) the applicant's premises are suitable for the carrying on of the business;

(iii) the requirements of this code and the rules promulgated by the department are met and complied with; and

(iv) the seating capacity as stated on the application is correct.

(b) The department may retain 20% of the application fee collected under subsection (11) to defray the costs of the department and department of justice associated with investigating and processing applications.

(4) An application for a beer and wine license submitted under this section is subject to the provisions of 16-4-203, 16-4-207, and 16-4-405.

(5) If a premises proposed for licensing under this section is a new or remodeled structure, then the department may issue a conditional license prior to completion of the premises based on reasonable evidence, including a statement from the applicant's architect or contractor confirming that the seating capacity stated on the application is correct, that the premises will be suitable for the carrying on of business as a bona fide restaurant, as defined in subsection (6).

(6) For purposes of this section, "restaurant" means a public eating place where individually priced meals are prepared and served for on-premises consumption. At least ~~75%~~ 65% of the restaurant's annual gross income from the operation must be from the sale of food and not from the sale of alcoholic beverages. Each year after a license is issued, the applicant shall file with the department a statement, in a form approved by the department, attesting that at least ~~75%~~ 65% of the gross income of the restaurant during the prior year resulted from the sale of food. The restaurant must have a dining room,

a kitchen, and the number and kinds of employees necessary for the preparation, cooking, and serving of meals in order to satisfy the department that the space is intended for use as a full-service restaurant. A full-service restaurant is a restaurant that provides an evening dinner ~~menu~~ meal.

(7) (a) (i) Subject to the conditions of subsection (7)(a)(ii), a restaurant beer and wine license may be transferred, upon approval by the department, from the original applicant to a new owner of the restaurant if there is no change of location, and the original owner may transfer location after the license is issued by the department to a new location, upon approval by the department.

(ii) A new owner may not transfer the license to a new location for a period of 1 year following the transfer of the license to the new owner.

(b) A license issued under this section may be jointly owned, and the license may pass to the surviving joint tenant upon the death of the other tenant. However, the license may not be transferred to any other person or entity by operation of the laws of inheritance or succession or any other laws allowing the transfer of property upon the death of the owner in this state or in another state.

(c) An estate may, upon the sale of a restaurant that is property of the estate and with the approval of the department, transfer a restaurant beer and wine license to a new owner.

(8) (a) The department shall issue a restaurant beer and wine license to a qualified applicant:

(i) for a restaurant located in a quota area with a population of 20,000 persons or fewer, as the quota area population is determined in 16-4-105, if the number of restaurant beer and wine licenses issued in that quota area is equal to or less than ~~60%~~ 80% of the number of beer licenses that may be issued in that quota area pursuant to 16-4-105;

(ii) for a restaurant located in a quota area with a population of 20,001 to 60,000 persons, as the quota area population is determined in 16-4-105, if the number of restaurant beer and wine licenses issued in that quota area is equal to or less than 50% of the number of beer licenses that may be issued in that quota area pursuant to 16-4-105;

(iii) for a restaurant located in a quota area with a population of 60,001 persons or more, as the quota area population is determined in 16-4-105, if the number of restaurant beer and wine licenses issued in that quota area is equal to or less than 40% of the number of beer licenses that may be issued in that quota area pursuant to 16-4-105; and

(iv) for a restaurant located in a quota area that is also a resort community, as the resort

community is designated by the department of commerce under 7-6-1501(5), if the number of restaurant beer and wine licenses issued in the quota area that is also a resort community is equal to or less than 100% of the number of beer licenses that may be issued in that quota area pursuant to 16-4-105.

(b) In determining the number of restaurant beer and wine licenses that may be issued under this subsection (8) based on the percentage amounts described in subsections (8)(a)(i) through (8)(a)(iii), the department shall round to the nearer whole number.

(c) If the department has issued the number of restaurant beer and wine licenses authorized for a quota area under subsections (8)(a)(i) through (8)(a)(iii), there must be a one-time adjustment of one additional license for that quota area.

~~(c)~~(d) If there are more applicants than licenses available in a quota area, then the license must be awarded by lottery as provided in subsection (9).

(9) (a) When a restaurant beer and wine license becomes available by the initial issuance of licenses under this section or as the result of an increase in the population in the quota area, the nonrenewal of a restaurant beer and wine license, or the lapse or revocation of the a license by the department, then the department shall advertise the availability of the license in the quota area for which it is available. If there are more applicants than number of licenses available, the license must be awarded to an applicant by a lottery.

(b) Any applicant who operates a restaurant that meets the qualifications of subsection (6) for at least 12 months prior to the filing of an application must be given a preference, and any unsuccessful lottery applicants from previous selections must also be given a preference. An applicant with both preferences must be awarded a license before any applicant with only one preference.

(c) The department shall numerically rank all applicants in the lottery. Only the successful applicants will be required to submit a completed application and ~~the~~ a one-time required fee. An applicant's ranking may not be sold or transferred to another person or entity. The preference and an applicant's ranking apply only to the intended license advertised by the department or to the number of licenses determined under subsection (8) when there are more applicants than licenses available. The applicant's qualifications for any other restaurant beer and wine license awarded by lottery must be determined at the time of the lottery.

(10) Under a restaurant beer and wine license, beer and wine may not be sold for off-premises

consumption.

(11) An application for a restaurant beer and wine license must be accompanied by a fee equal to 20% of the initial licensing fee. If the department does not make a decision either granting or denying the license within 4 months of receipt of a complete application, the department shall pay interest on the application fee at the rate set in 16-1-409(4) until a license is issued or the application is denied. Interest may not accrue during any period that the processing of an application is delayed by reason of a protest filed pursuant to 16-4-203 or 16-4-207. If the department denies issuing a license to an applicant, the application fee, plus any interest, less a \$100 processing fee, must be refunded to the applicant. Upon the issuance of a license, the licensee shall pay the balance of the initial licensing fee. The amount of the initial licensing fee is determined according to the following schedule:

- (a) \$5,000 for restaurants with a stated seating capacity of 60 persons or less;
- (b) \$10,000 for restaurants with a stated seating capacity of 61 to 100 persons; or
- (c) \$20,000 for restaurants with a stated seating capacity of 101 persons or more.

(12) The annual fee for a restaurant beer and wine license is \$400.

(13) If a restaurant licensed under this part increases the stated seating capacity of the licensed restaurant or if the department determines that ~~an applicant~~ a licensee has increased the stated seating capacity of the licensed restaurant, then the ~~applicant~~ licensee shall pay to the department the difference between the ~~application fee fees~~ paid at the time of filing the original application and issuance of a license and the applicable ~~application fee fees~~ for the additional seating.

(14) The number of beer and wine licenses issued to restaurants with a stated seating capacity of 101 persons or more may not exceed 25% of the total licenses issued.

(15) Possession of a restaurant beer and wine license is not a qualification for licensure of any gaming or gambling activity. A gaming or gambling activity may not occur on the premises of a restaurant with a restaurant beer and wine license."

Section 3. Effective date. [This act] is effective upon passage and approval.

Section 4. Applicability. [This act] applies only to new applications received after [the effective

SB0446

date of this actl.

- END -

MINUTES

**MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION
COMMITTEE ON BUSINESS AND INDUSTRY**

Call to Order: By **CHAIRMAN JOHN HERTEL**, on February 18, 1999 at
8:00 A.M., in Room 410 Capitol.

ROLL CALL

Members Present:

Sen. John Hertel, Chairman (R)
Sen. Mike Sprague, Vice Chairman (R)
Sen. Dale Berry (R)
Sen. Vicki Cocchiarella (D)
Sen. Bea McCarthy (D)
Sen. Glenn Roush (D)
Sen. Fred Thomas (R)

Members Excused: None.

Members Absent: None.

Staff Present: Bart Campbell, Legislative Branch
Mary Gay Wells, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 446, 2/12/1999
SB 452, 2/12/1999
SB 453, 2/12/1999
SB 430, 2/12/1999
SB 470, 2/15/1999
SB 490, 2/16/1999
Executive Action: SB 470; SB 430
SB 409; SB 419; SB 459

{Tape : 1; Side : A; Approx. Time Counter : 0}

Sponsor: SEN. MIKE TAYLOR, SD 37, PROCTOR

Proponents: Mark Staples, MT Taverns Assoc.
Paul Cartwright, Citizen
Tom Heisler, President, MT Taverns Assoc.

Opponents: None

Informational Testimony: Neil Peterson, Department of Revenue

Opening Statement by Sponsor:

SEN. MIKE TAYLOR, SD 37, PROCTOR. This bill requires the applicants for this license to send in only 20% of their money because the fees of \$5,000, \$10,000 and \$20,000 are very steep, especially for small businesses. Because of the reorganization of the Department of Revenue (DOR), the return of the licenses should not take a long period of time. If after four months, the Department hasn't been able to process that license through no fault of the applicant, the DOR will start paying interest on that money, as per the amendments in **EXHIBIT(bus40a01)**. In other words, it will be an example to the next legislature how efficient the new \$40 million customer service center will be in the DOR. The bill also lowers the food requirements from 75% to 65% because the 75% in reality was a "turn your head the other way" situation and wasn't feasible. It also removes the burden from the DOR to have to audit unless it's blatant. These licenses were created for those who wanted to have a glass of wine or a beer and good food or service, but not gambling. The bill doesn't cover the larger markets but the amendment **EXHIBIT(bus40a02)** says if the area happens to be full that isn't included in the 20,000 people or less, they will get one more license. **EXHIBIT(bus40a03)** shows a listing of the quotas and numbers of licenses left in certain areas.

There is a part of the bill which says you have to wait a year if you sell a license to buy a cabaret license because these licenses are quite a bit cheaper than the gambling licenses.

{Tape : 1; Side : A; Approx. Time Counter : 7.3}

Proponents' Testimony:

Mark Staples, Montana Tavern Association. The cabaret license availability is structured so the numbers available will increase as the population increases; therefore, with the adjusting to the 80%, the "plus 1" feature added to the increases, they should have enough licenses. One of the things we were afraid of was those with beer and wines would be solicited by casino businesses to sell their licenses and it is happening. The original intent was there would be a one-year wait. If you sell the current license you have, it means you really don't need a license; so you ought to wait a year before you get a cabaret. We support **SB 446** and his amendments and I think we've gone far enough this session to fine-tune it.

Paul Cartwright, Private Citizen. I support **SEN. TAYLOR'S** bill. For the most part, last session's legislation worked but there were a few areas that didn't, i.e. areas where the markets were booming and the quota is low. I think we'll continue to see pressure in the high-growth areas, even with the amendment. One step at a time, I will continue to accept what this is; however, I think you will be looking at these high-growth areas next session again. A lot of the bill deals with how the DOR is going to streamline and process these applications. On the whole, I support the bill though I wish the cost issue had been addressed a little more. The one difference between these and the quota licenses is this cost is paid to the state and can't be recouped while the cost of the other licenses are partly to the state and the rest to the private market which can be resold; it isn't clear which one costs more in the long run. On the whole, though, I think we're making progress.

Tom Heisler, Montana Tavern Association. We support this bill but I would like to speak to the portion which is the year waiting period. In Great Falls we have a problem with pizza places selling their licenses on the open market. We have cabaret licenses available in Great Falls but we also have about eight to ten pizza places that have had these beer and wine licenses for many years and pay very little. They sell their licenses to casino developers and everyone in Great Falls is opposed to this. What's going to happen in Great Falls is they'll end up with eight to ten more casinos and all the cabaret licenses that were meant for businesses that needed them in

conjunction with their food, will not be available. We support this bill.

{Tape : 1; Side : A; Approx. Time Counter : 17.5}

Opponents' Testimony: None.

Informational Testimony:

Neil Peterson, Department of Revenue (DOR). I'd like to distribute copies of EXHIBIT(bus40a04). This time line is required in statute any time the Department gets an application for a liquor license. Once we receive a completed application, we send a request to the Department of Justice to do an investigation. They are required to complete it in 90 days. Then there's a 30-day period where we continue to review the application. We publish receipt of the application and at the end of that published period, when we get the report from the Department of Justice, we turn it around in five days. Statutorily, the whole process takes about 95 days. Our amendment (EXHIBIT 1) deals with the requirement we pay interest if we don't take action within four months after completed application is made. It also deals with issue of a protest. If we receive one, both sides have to file pre-hearing information. There will be a post-hearing and then a decision on the issue which could be appealed to the director. This could subsequently be appealed to District Court. The rest of the amendments are self-explanatory.

Questions from Committee Members and Responses:

SEN. BEA MCCARTHY commented if the Department's amendments went through, the Department would not pay interest. Neil Peterson said that wasn't correct because the applicant had 60 days to make the application complete and once it was complete, even if there was additional information required by the Department of Justice and no action was taken in four months, they would pay interest. The only time the Department wouldn't pay interest would be if a person would protest that particular issuance or transfer of the license at that location. The Department couldn't control that.

SEN. MCCARTHY commented the Department gave itself an extra 60 days, making the total time six months. **Neil Peterson** said this particular change in the bill applied only to paying interest once the application was complete.

SEN. MCCARTHY said she was thinking about applications dating from the day they were received at the Department. **Mr. Peterson** said many times the Department had to write for additional information needed on the application. They couldn't control how fast they turned it around. If they turned it around quickly, then the Department would turn it around quickly.

SEN. MCCARTHY referred to Page 7 of **SB 446** and asked if an additional license fee would require any additional investigation. **Neil Peterson** said he didn't think it would.

SEN. MCCARTHY asked if this, with the increase in fees because of increase in seating capacity, was being done on the honor system. The answer was that, for the most part, it was.

{Tape : 1; Side : A; Approx. Time Counter : 26}

SEN. JOHN HERTEL referred to Line 7 in the title and asked if the fee was being increased. **Neil Peterson** said currently the application had to include the entire fee. The bill changed it so they would have to submit only 20% of the fee at application time.

SEN. HERTEL asked if CI-75 would be involved and was told it wouldn't.

Closing by Sponsor:

SEN. MIKE TAYLOR. If the bill passes, it won't be applicable until October 1. There will be time for people to switch to the cabaret or beer and wine licenses. I, too, am concerned about the pizza places trying to build more casinos because we have plenty of those. I believe **SB 446** is a good change and positive direction for all people involved.

{Tape : 1; Side : A; Approx. Time Counter : 29}

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS AND LABOR

Call to Order: By **CHAIRMAN BRUCE SIMON**, on March 19, 1999 at
8:00 A.M., in Room 104 Capitol.

ROLL CALL

Members Present:

Rep. Bruce Simon, Chairman (R)
Rep. Bob Pavlovich, Vice Chairman (D)
Rep. Paul Sliter, Vice Chairman (R)
Rep. Joe Barnett (R)
Rep. Rod Bitney (R)
Rep. Sylvia Bookout-Reinicke (R)
Rep. David Ewer (D)
Rep. Carol C. Juneau (D)
Rep. Billie Krenzler (D)
Rep. Bob Lawson (R)
Rep. Joe McKenney (R)
Rep. Carolyn Squires (D)
Rep. Jay Stovall (R)
Rep. Cliff Trexler (R)
Rep. Carley Tuss (D)

Members Excused: Rep. Roy Brown (R)
Rep. Gay Ann Masolo (R)
Rep. Gary Matthews (D)

Members Absent: None.

Staff Present: Stephen Maly, Legislative Branch
Pati O'Reilly, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 331, SB 453, SB 419, SB
446, SB 452. SB 410, 3/3/1999
Executive Action: SB 452, SB 419

HEARING ON SB 452

Opening Statement by Sponsor: Senator Dale Berry, SD 30, introduced SB 452

{Tape : 1; Side : A; Approx. Time Counter : 0 - 32}

Proponents' Testimony: Kati Kentli, Montana Tavern Assn.

{Tape : 1; Side : A; Approx. Time Counter : 32 - 48}

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor: Senator Berry closed SB 452. Rep. Tropila to carry on house floor.

{Tape : 1; Side : A; Approx. Time Counter : 48 - 60}

EXECUTIVE ACTION ON SB 452

Motion/Vote: REP. BOOKOUT-REINICKE moved that SB 452 BE CONCURRED IN. Motion carried unanimously.

{Tape : 1; Side : A; Approx. Time Counter : 60 - 70}

HEARING ON SB 446

Opening Statement by Sponsor: Senator Taylor, SD 17, introduced SB 446. EXHIBIT(1)

{Tape : 1; Side : A; Approx. Time Counter : 70 - 118}

Proponents' Testimony: Mark Staples, Montana Tavern Assn.

{Tape : 1; Side : A; Approx. Time Counter : 118 - 220}

Café Max, letter read by Mark Staples.

{Tape : 1; Side : A; Approx. Time Counter : 220 - 238}

Tom Heisler, Tavern owner from Gt Falls, MT

{Tape : 1; Side : A; Approx. Time Counter : 238 - 269}

Brad Griffin, Montana Retail Assn and Montana Restaurant Owners Assn.

{Tape : 1; Side : A; Approx. Time Counter : 269 - 274}

Paul Cartwright,

{Tape : 1; Side : A; Approx. Time Counter : 274 - 344}

Opponents' Testimony: Jeff Knowles, Hi Plains, Pizza Huts

{Tape : 1; Side : A; Approx. Time Counter : 344 - 489}

Dave McCurdie, Juliano's Rest. Billings, MT

{Tape : 1; Side : A; Approx. Time Counter : 489 - 500}

Tim Keating, Juliano's, Billings, MT

{Tape : 1; Side : B; Approx. Time Counter : 0 - 75}

John Hays, Montana Tavern Assn, Gt Falls Division

{Tape : 1; Side : B; Approx. Time Counter : 75 - 98}

Informational Testimony: None

Questions from Committee Members and Responses: Reps. Sliter, Krenzler, Barnett, Juneau, Lawson, Stovall, Pavlovich, Bookout and Simon question witnesses.

{Tape : 1; Side : B; Approx. Time Counter : 98 - 500}

{Tape : 2; Side : A; Approx. Time Counter : 0 - 282}

Closing by Sponsor: Senator Taylor closed SB 446. Rep. Sliter to carry on house floor.

{Tape : 2; Side : A; Approx. Time Counter : 282 - 340}

HEARING ON SB 410

Opening Statement by Sponsor: Senator Keenan, SD 48, introduced SB 410.

{Tape : 2; Side : A; Approx. Time Counter : 340 - 469}

Proponents' Testimony: Brad Griffin, Montana Retail and Restaurant Assn.

{Tape : 2; Side : A; Approx. Time Counter : 469 - 500}

Jeff Knowles, Hi Plains Pizza

{Tape : 2; Side : B; Approx. Time Counter : 0 - 6}

Wayne Wyseman, Vinno's Café

{Tape : 2; Side : B; Approx. Time Counter : 6 - 24}

Cal McComber, Tavern Owner

{Tape : 2; Side : B; Approx. Time Counter : 24 - 29}